IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

Bail Appl..No. 7848 of 2007()

(CRIME NO.326/07 OF MANJESHWAR POLICE STATION)

PETITIONER: 2ND ACCUSED:

RASHEED @ ABDUL RASHEED,
S/O.MUHAMMED MUSALIYAR, AGED 19 YEARS, PATHVADI,
UPPALA VILLAGE.

BY ADV. SRI.SOJAN MICHEAL

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

S.SIRI JAGAN, J.

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B.A.No.7848 of 2007

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Dated this the 24th day of December, 2007

O R D E R

This application is for regular bail. The petitioner is the 2nd accused in crime No.326/2007 of Manjeshwar Police Station, alleging commission of offence punishable under Sections 143, 147, 148, 341, 323, 308 read with Section 149 of the Indian Penal Code. The allegation against the petitioner is that he along with some other accused formed themselves into an unlawful assembly with an intention to cause hurt to the defacto complainant, trespassed into a bus and caused hurt to the defacto complainant by beating him with iron rods and hands. The allegation is that the if defacto complainant had not taken evasive action it would have even caused death of the defacto complainant.

2. The lower court court had denied bail by Annexure 1 order only on the ground that some other accused are yet to be arrested and that if the petitioner is released on bail there is every chance for absconding of the accused and tampering with the evidence. The learned Public prosecutor admits that no

serious injuries have been caused to the defacto complainant. She further submits that the prosecution may be given further time to complete the investigation and to apprehend other accused.

3. After hearing both sides, I am satisfied that the petitioner can now be directed to be enlarged on bail subject appropriate terms and conditions. In the above circumstances, this bail application is allowed. The petitioner shall be released on bail on the following terms and conditions:

The petitioner shall execute a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate-I, Kasargod. The petitioner shall make himself available for interrogation before the investigating officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter, as and when directed by the investigating officer in writing to do so.

The bail application is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.